

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

MS Word Export To Multiple PDF Files Software - Please purchase license.

**DATE:** May 24, 2000

**TO:** Orange County Planning Commission

**FROM:** Planning & Development Services Department/Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA00-0021

**PROPOSAL:** A Use Permit per Orange County Zoning Code Section 7-9-110 to construct a Planned Development of five (5) single-family detached homes on a 17,400 square foot site presently developed with four (4) detached apartment units. The project proposes the creation a new 24 feet wide joint use access for this proposal and an existing six (6) unit condominium project on the adjoining parcel. Because the area of the six unit condominium development will be reduced with the joint use 24 feet wide drive way, an Area Variance is required to permit a lot size of 13,630 square feet when the existing lot size is 19,140 square feet. The Variance also includes a request to permit driveway length of 8 feet for each unit in the proposed five unit planned development when the Zoning Code requires a driveway length of 18 feet.

**LOCATION:** In an unincorporated County island of Costa Mesa at 2636 Santa Ana Avenue. Fifth Supervisorial District.

**APPLICANT:** Jonathan and Theresa Barnett and the Honeywood Condominium Homeowners Association

**STAFF** William V. Melton, Project Manager  
**CONTACT:** Phone: (714) 834-2541 FAX: (714) 834-4652

**SYNOPSIS:** Current Planning Services Division recommends Planning Commission approval of PA00-0021 subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

There are two properties associated with this proposal. Site A (2636 Santa Ana Avenue) is proposed for five single-family dwellings in a Planned Development through a Use Permit. Site B (300 Cutter Way) has an existing six-unit condominium. Both properties take access from Santa Ana Avenue and are in the R4“Suburban Multifamily Residential” District. In order to develop the proposal on Site A, an Area Variance is needed for Site B because the use of a shared driveway reduces the net acreage of Site B.

Site A is level, measuring 60 feet across the front and rear, and 300 feet deep on the sides for an area of 18,000 square feet. It is developed with four detached apartment units. Site B is adjacent to the north of Site A. It is level, measuring 66 feet across the front and rear, and 290 feet deep on the sides for an area of

19,140 square feet. It is developed with an attached two-story, 6-unit, condominium project. Access to each condominium unit is via a private driveway called Cutter Way.

On Site A, the applicant proposes to demolish the four existing apartment units and construct five (5) two-story single-family detached units. The applicant requests approval of a Use Permit to utilize the PD “Planned Development” Zoning Code regulations to construct the proposal. The Use Permit also includes a driveway length modification. The proposal calls for a common 24 feet access driveway between Site A and B. Five feet of the access is proposed on Site A and 19 feet of the proposed 24 feet wide access is proposed on Site B, which reduces the net building area of both sites. Site A is also reduced in area because of a dedication of 10 feet of frontage for future right-of-way of Santa Ana Avenue. With the 10 feet dedication and the 5 feet of access driveway, Site A is reduced to lot size of 55 feet x 290 feet for a net area of 15,900 square feet.

Because of the common driveway, Site B is reduced in net area to 13,630 square feet (47 feet x 290 feet). The R4 District permits multifamily residential at a density of one dwelling unit for 3,000 square feet of net building area. When the 6-unit condominium was built, the existing driveway was included in the net square footage of the building site. With the common access way now proposed between Site A and Site B, the driveway becomes a private street and cannot be used in the calculation of net square footage. Because the site would have less than the minimum square foot for 6 units (6 x 3,000 square feet or 18,000 square feet), an Area Variance is required to retain Site B as a legal building site.

**SURROUNDING LAND USE:** (assumes Santa Ana Avenue runs north-south)

Direction	Zoning	Existing Land Use
Project Site	R4 “Suburban Multifamily Residential”	Four detached apartment units Six-unit attached condominium
North	R4 “Suburban Multifamily Residential”	Multi-family residential
South	R4 “Suburban Multifamily Residential”	Commercial business/office
East	R1 “Single-family Residential”	Single-family dwellings
West	City of Costa Mesa	Multi-family and single-family dwellings

**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to six County Divisions and the City of Costa Mesa.

As of the writing of this staff report, no comments raising substantial issues with the project have been received from other County divisions by staff. The City of Costa Mesa submitted comments related to the project's conformance to the City's General Plan. They commented that if the proposal were annexed into the City it would not meet density standards, height standards, setback standards, maneuvering area standards and interior garage dimension standards. The also commented on the building design, site drainage and shadow impacts. The City's comments are included with this report as Exhibit 2.

In response to the City comments, the project, subject to approval of the Use Permit for a Planned Development, will conform to the County site development standards for a proposal in the R4/PD District. The site, as well as many other sites along Santa Ana Avenue are surrounded by the City of Costa Mesa are zoned R4. Where newer development has occurred, it has been developed in accordance with the County's R4 District site development standards. The City of Costa Mesa did not indicate if annexation of this site or other sites along Santa Ana Avenue was proposed in the near future.

### **CEQA COMPLIANCE:**

Negative Declaration No. PA000021 (Exhibit 3) has been prepared for this proposal. It was posted for public review on 3/30/00 and became final on 4/20/00. Prior to project approval, the Planning Commission must find this ND adequate to satisfy the requirements of CEQA. Appendix A contains the required CEQA Finding.

### **DISCUSSION/ANALYSIS:**

The R4 District permits multi-family developments at a density of one dwelling unit (attached or detached) per 3,000 square feet of net lot area without the need for a Use Permit. The R4 District also permits single-family dwellings; however, a building site of 7,200 square feet is required for each building site. By using the PD "Planned Development" District overlay, the density of the project is determined by the underlying zoning, but carries no requirement for individual lot sizes. For this PD proposal, the net area is 15,900 square feet; and, with the underlying zoning density of one dwelling unit for every 3,000 square feet, up to 5 dwelling units area permitted. While a PD proposal has no minimum lot coverage or setback requirement for an individual lot, it does have an overall maximum site coverage of 40 percent (the proposed project has a 37 percent site coverage). The individual lots in this proposal range in size from 2,805 to 3,326 square feet. Building setbacks are approved as part of the Use Permit for the PD.

The Use Permit portion of this proposal applies only to Site A. A tract map is being processed concurrently with this proposal to create 5 individual building sites. All homes are two story with a tower type skylight architectural feature. Each would have four-bedrooms, and a two-car. All homes have the same floor plan. Different features on the building front elevations are proposed. The total height of each home is 31 feet – 9 inches. In addition to the garage parking spaces, 6 off-street parking spaces are provided, meeting the parking standard minimum. The home nearest the front of the site is setback 20 feet from the ultimate right of way. The home to the rear of the property is setback 18 feet form the rear property line. Each home is setback a minimum of 7 feet from the site's side property line. Adjacent to this property line is the driveway of an adjacent commercial business. Each home is separated from the

other homes from a minimum of 13 feet to a maximum of 30 feet. Each of the five lots would have a new 6 feet high block wall on the property lines. The lot on Santa Ana Avenue has a wall setback 2 feet from the ultimate right of way. Each home is setback 5 feet from the edge of the private driveway, except for the garage entrance, which is setback 8 feet from the edge of the driveway. All garages will be equipped with remote controlled sectional garage doors.

A majority of the County unincorporated properties in this area along Santa Ana Avenue are in the R4 District. In addition to Site A's current 4 units and Site B's 6 units, the Planning Commission and the Zoning Administrator have previously approved several other similar type proposals. Three similar projects in the vicinity are:

1. UP93-015, 2042 Santa Ana Avenue, Use Permit and Variance for 8 condominium units in a Planned Development on a 26,400 square foot site.
2. PA98-0063, 2032 Santa Ana Avenue, Use Permit and Variance for 3 detached condominium units on a 9,400 square foot site.
3. PA99-0041, 2368 Santa Ana Avenue, Use Permit and Variance for 5 single-family homes in a Planned Development on an 18,000 square foot site.

In the past, a proposal using the PD District regulations offered single-family detached homes on smaller lots with usable common open space adjacent to the residential development area. However, in recent years, the PD District has been used to create smaller lots with either detached condominiums or detached single-family dwellings with private open space for each lot. The proposal on Site A represents this more recent expression of the Planned Development concept.

The Variance portion of this proposal applies to Site B. The site has 6 existing attached condominiums. Since the project is on one building site, the driveway providing access to the 6 units is included in the site's net area. Because the proposal is to use the existing driveway for this site and the proposed five single-family PD units, the access way now serves more than one legal building site and it becomes a private street. Under County regulations, the area of the street cannot be included in the project net area. Site B is presently 19,140 square feet in area. Approval of the proposal will reduce Site B to 13,630 square feet. Since 18,000 square feet is required for six dwelling units in the R4 District, the site would not conform to the development standards. Therefore the need for an Area Variance.

Approval of an Area Variance would establish Site B as a legal building site. Approval of the Area Variance and the Use Permit would provide the same 24 feet wide access way that currently exists and would eliminate the need for an additional driveway for site A. Approval of the Area Variance would not significantly affect the appearance or function of the driveway. The only non-planning related issue affecting this proposal is that the condominium association would share liability for the access way with the future homeowners on Site A. Staff finds there is no planning issue associated with the request for an Area Variance.

However, before this variance request can be approved, the Planning Commission, in accordance with State and County planning laws, must be able to make the following variance findings listed below. If the Planning Commission can not make these findings, the application must be disapproved.

1. There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations.
2. Approval of the application will not constitute a grant of special privileges, which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with.

Staff is of the opinion that the Planning Commission is able to make these two variance findings and approve the Variance portion of this proposal. The special circumstances for approving the variance requested for this proposal is in Finding 13 of Attachment A. Staff also supports the Use Permit portion of the proposal. While it is not the historical concept of a Planned Development, as previously mentioned, it does appear to meet the current concept of urban infill Planned Developments, especially in this R4 District along Santa Ana Avenue. Planning staff is seeing more projects where private open space over community open spaces is being requested and approved. This is true in both multi-family and single-family developments. The applicant has designed the homes to be compatible with other dwelling in the vicinity. Staff recommendation for the Use Permit for a Planned Development and Area Variance follows below.

#### **RECOMMENDED ACTION:**

Planning and Development Services Department/Current Planning Services Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA00-0021 for a Use Permit and Area Variance subject to the attached findings and conditions of approval.

Respectfully submitted

John B. Buzas, Manager  
Current Planning Services

WVM

Folder: Use Permit/UP 2000/ PA00-0021 Staff

**APPENDICES:**

- A. Recommended Findings
- B. Recommended Conditions of Approval

**EXHIBITS:**

- 1. Applicant's Letter of Explanation
- 2. Comment letter from the City of Costa Mesa
- 3. Environmental Documentation
- 4. Site Photos
- 5. Site Plans

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.